

# **BOARD OF CODE STANDARDS AND APPEALS**

## **MINUTES**

**February 7, 2005**

**Members:** Francisco Banuelos, Andy Bias, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, Scot Wolfington, John Youle

**Present:** Banuelos, Harder, Hartwell, Hentzen, Murabito, Willenberg, Wolfington

**Staff Members Present:** Deb Legge, Maria Bias, Elaine Hammons

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Wolfington on Monday, February 7, 2005, at 1:31 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

### **1. Approval of the Minutes from the January, 2005, meeting.**

A motion was made by Hartwell, seconded by Harder, to approve the minutes of the January meeting as submitted. Motion carried.

### **2. Approval of the February, 2005, license examination applications.**

There were no applications submitted for February, 2005, license examinations.

### **3. Condemnation Hearings**

#### **Review Cases**

##### **1. 2917 E. Stadium**

Since the last time this property was before the Board, November 8<sup>th</sup>, 2004, it was sold to Pablo Rodriguez. The taxes are current. There are tree limbs, bulky waste, junk and debris, and tires on the premises. There is a building permit, issued on January 3<sup>rd</sup>, 2005, for roofing and siding. No repairs have been made at this time; the structure is open at the rear.

Ms. Deb Legge of Central Inspection explained to the Board that the new owner, Mr. Rodriguez, was working out of town and unable to attend the Board meeting.

Board Member Hentzen made a motion to allow the new owner to appear at the March, 2005, Board meeting to advise the Board of his schedule to make the necessary repairs, and keep the premises clean and secured. The motion was seconded by Harder. Motion carried.

2. 937 N. Wabash

Mr. Ivan Ray appeared to update the Board on the progress made at this property.

This property was originally before the Board at the August 2<sup>nd</sup>, 2004, hearing, and then again on the November 8<sup>th</sup>, 2004. At the December 6<sup>th</sup>, 2004, hearing, Ivan Ray was present to report on the status of the property. At that time he said that he thought the sewer would be sealed off by the first part of the week of December 13<sup>th</sup>, 2004, and then he would get the demolition permit. At that time a motion was made to allow thirty days to bring the property up to code.

The taxes are current on this property. There are tree limbs, bulky waste, construction debris, and a dumpster of trash and debris on the premises. There have been no repairs to the remaining structure, although it is secure. A remodel permit was obtained for the house in November, 2004, but no permits have been issued for the sewer seal off or the demolition of the rear structure. A complaint has been filed with the Sewer Section for the work done on the sewer without the required permit.

Mr. Ray told the Board that he had begun the clean up of the property in December, 2004, and had hoped to start the work on the structure by January, 2005. He explained that fallen tree branches caused from the January 4<sup>th</sup>, 2005, ice storm, in addition to his own electricity being out for eight days, had interrupted his progress. He told the Board that he had contracted with a sewer contractor that should be pulling the sewer seal off permit to comply with the requirement for the demolition permit. He said that he spent most of the month of December cleaning up the debris from the demolition of the rear structure, and then the ice storm in early January caused additional debris from fallen trees limbs and branches, making it appear that he had not made any progress in the clean up of the premise.

Chairman Wolfington acknowledged that the ice storm could have caused delays on the exterior clean up and repairs, but that he did not understand why the sewer permit had not yet been issued.

Mr. Ray said that the contractor that had initially committed to do the seal off was to begin work in the first part of January, 2005. That contractor told Mr. Ray that due to the volume of plumbing work resulting from the ice storm, the contractor would not be able to do the work as soon as originally planned. Mr. Ray then contacted another sewer contractor that agreed to take care of pulling the permit and sealing off the sewer, although he had not been given a firm date when that would be done. Mr. Ray said he intended to contact the second contractor to schedule a more specific time frame as soon as he finished talking to the Board.

Planning to do the structural work on the building himself, Mr. Ray said that he would hire licensed plumbing and electrical contractors to do the trade work. He explained that the time that he could spend working on the property was restricted because he worked eight hours daily, and further progress on the premises was limited to the daylight hours remaining after he got off work. He said that Saturdays were the days when he could spend the most time working on the property.

Board Member Willenberg inquired whether Mr. Ray had the necessary financing available to do the repairs needed on the premises.

Mr. Ray advised the Board that he had the financing available to cover the cost of the repairs; however, the allocation of the monies would require that he do the bulk of the structural work. He said that if he were forced to hire someone to do the remaining clean up and begin the structural repairs to comply with the Board's requirements, it would cause an upset to his budget.

Board Member Harder made a motion to allow an additional thirty days for Mr. Ray to make the repairs and clean up the premises or the Board would recommend the property to the City Council for "ten and ten." The motion was seconded by Willenberg.

Chairman Wolfington explained to Mr. Ray that the motion meant that if the repairs were not made by the March, 2005, regular monthly meeting, the Board would recommend to the City Council that the property be demolished.

Central Inspection Staff Member, Maria Bias, requested that the Board clarify what work would have to be completed by the end of the thirty days.

Chairman Wolfington determined that the Board's position was that the exterior of the building had to comply with code requirements. Deb Legge further explained that even if the Board referred the property to the City Council, there would be approximately forty-five to sixty days before there would be a hearing for condemnation.

Mr. Ray expressed his concern that he might get the repairs almost completed and then the Council would order the structure to be demolished. Ms. Legge informed him that if he went before the Council and had made satisfactory progress, he could petition the Council for an extension of time to complete the work. If the exterior repairs were completed by the time the Council set a hearing date, the property would no longer go before the Council.

Mr. Ray asked whether substantial progress on the roof within the thirty days granted by the Board would be adequate to have the Board change its intent to refer the property to the City Council. Chairman Wolfington responded that the Board could make a motion at the next Board meeting to rescind the motion

made at the February 7, 2005, meeting to give Mr. Ray an extension; however, if no motion to that effect was made, the property would still be recommended for demolition.

Ms. Bias noted that the Office of Central Inspection had placed a "stop work" order on the property until the issue with the sewer seal off has been resolved; therefore, no other structural work should begin until the requirement for the sewer has been met. She also indicated that court fines could be levied against Mr. Ray if the matter was not addressed in the immediate future.

Chairman Wolfington reiterated the earlier motion by Board Member Harder and seconded by Willenberg. The motion passed unopposed.

### 3. 1351 S. Gordon

This property was sold at public auction on January 20<sup>th</sup>, 2005. The sale is to be finalized on February 21<sup>st</sup>, 2005. The heir to the property is currently stationed out of the country. The attorney that had appeared on behalf of the heir to the property was unable to appear because of illness.

Board Member Hentzen made a motion to allow the new owner(s) to appear before the Board at the next regularly scheduled Board meeting to provide a plan of action for the property, and to keep the property clean and secured. Hartwell seconded the motion. Motion carried.

Meeting adjourned at 1:53 p.m.